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Of Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

RECALL TED WHEELER, JOHN
SCHROEDER, and MADELINE KAY,

Plaintiff,

v.

MARY HULL CABALLERO, Portland City
Auditor, and LOUISE HANSEN, Elections
Officer,

Defendants.

Case No. 3:21-cv-01448-MO

NOTICE OF VOLUNTARY DISMISSAL OF
ALL CLAIMS

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Page 1 of 2

COMES NOW, Plaintiffs, by and through their attorney, Juan C. Chavez, provide notice to this Court that they wish to dismiss all claims plead against all Defendants in their Complaint. Dkt. 1.

Argument

Fed. R. of Civ. Pro. 41(a)(1)(A)(i) provides that a plaintiff may voluntarily give notice of voluntary dismissal of all claims without a court order “before the opposing party serves either an answer or a motion for summary judgment.” Defendants have provided neither.

Accordingly, Plaintiffs’ claims may be voluntarily dismissed without a court order.

Fed. R. of Civ. Pro. 41(a)(1)(B) provides that “[u]nless the notice or stipulation states otherwise, the dismissal is without prejudice.” To the extent that any of Plaintiffs’ claims are not time-barred, Plaintiffs make this dismissal without prejudice.

Conclusion

Plaintiff requests that this case be dismissed in accordance with the above argument.

DATE: November 3, 2021.

/s/ Juan C. Chavez
Juan C. Chavez, OSB #136428
Attorney for Plaintiff